

DECISION (EU) 2021/537 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 24 March 2021

amending Council Decisions 2003/17/EC and 2005/834/EC as regards the equivalence of field inspections and the equivalence of checks on practices for the maintenance of varieties of agricultural plant species carried out in the United Kingdom

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Council Decision 2003/17/EC ⁽³⁾ provides that, under certain conditions, field inspections carried out on certain seed-producing crops in the third countries listed in Annex I to that Decision are to be considered equivalent to field inspections carried out in accordance with Union law and that, under certain conditions, seed of certain species produced in those third countries is to be considered equivalent to seed produced in accordance with Union law.
- (2) Council Decision 2005/834/EC ⁽⁴⁾ establishes rules on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries. It provides that the official checks on practices for the maintenance of varieties carried out in those third countries and by the authorities listed in the Annex to that Decision, for the species covered by the Directives referred to for each of those third countries, are to afford the same guarantees as those carried out by Member States.
- (3) The United Kingdom has transposed and effectively implemented Council Directives 66/401/EEC ⁽⁵⁾, 66/402/EEC ⁽⁶⁾, 2002/53/EC ⁽⁷⁾, 2002/54/EC ⁽⁸⁾, 2002/55/EC ⁽⁹⁾ and 2002/57/EC ⁽¹⁰⁾, as well as the implementing acts adopted pursuant to those Directives. Those implementing acts set out the rules on the basis of which those Directives recognise the equivalence concerned.

⁽¹⁾ Opinion of 27 January 2021 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 11 March 2021 (not yet published in the Official Journal) and decision of the Council of 17 March 2021.

⁽³⁾ Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10).

⁽⁴⁾ Council Decision 2005/834/EC of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (OJ L 312, 29.11.2005, p. 51).

⁽⁵⁾ Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ L 125, 11.7.1966, p. 2298).

⁽⁶⁾ Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ L 125, 11.7.1966, p. 2309).

⁽⁷⁾ Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

⁽⁸⁾ Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).

⁽⁹⁾ Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

⁽¹⁰⁾ Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

- (4) Union law, including Decisions 2003/17/EC and 2005/834/EC, was applicable to and in the United Kingdom during the transition period that ended on 31 December 2020, in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾ (the 'Withdrawal Agreement'), and in particular Article 126 and Article 127(1) thereof.
- (5) In view of the end of the transition period provided for in the Withdrawal Agreement, the United Kingdom has submitted a request to the Commission for the recognition of equivalence, from 1 January 2021, of fodder plant seed, cereal seed, beet seed, vegetable seed and seed of oil and fibre plants produced in the United Kingdom to fodder plant seed, cereal seed, beet seed, vegetable seed and seed of oil and fibre plants produced in the Union and in compliance with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC.
- (6) The United Kingdom has also requested the recognition of equivalence as regards the checks on practices for the maintenance of varieties carried out in the United Kingdom pursuant to Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC, and also to Directive 2002/53/EC.
- (7) The United Kingdom has informed the Commission that its legislation transposing Directives 66/401/EEC, 66/402/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC will not change and would continue to apply from 1 January 2021.
- (8) The Commission has examined the relevant legislation of the United Kingdom and its equivalence with Union requirements, and has concluded that field inspections of seed-producing crops are carried out appropriately and satisfy the conditions of Annex II to Decision 2003/17/EC and the appropriate requirements of Directives 66/401/EEC, 66/402/EEC, 2002/54/EC and 2002/57/EC.
- (9) Therefore, and in order to avoid any unnecessary disruption to trade after the end of the transition period, it is appropriate to recognise the equivalence of field inspections carried out in respect of those seeds produced in the United Kingdom and officially certified by its authorities.
- (10) The Commission has examined the relevant legislation of the United Kingdom and its equivalence with the provisions concerning the practices for the maintenance of varieties pursuant to Directives 2002/53/EC and 2002/55/EC. The Commission concluded that the checks on practices for the maintenance of those varieties carried out in the United Kingdom afford the same guarantees as those carried out by Member States.
- (11) Therefore, it is appropriate to recognise the equivalence of the checks on practices for the maintenance of the varieties, as provided for in Directives 66/401/EEC, 66/402/EEC, 2002/53/EC, 2002/54/EC, 2002/55/EC and 2002/57/EC, carried out in the United Kingdom.
- (12) The United Kingdom should therefore be included in Annex I to Decision 2003/17/EC and in the Annex to Decision 2005/834/EC, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.
- (13) Decisions 2003/17/EC and 2005/834/EC should therefore be amended accordingly.
- (14) In view of the fact that the transition period provided for in the Withdrawal Agreement ended on 31 December 2020, and in order to ensure continuity, this Decision should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021,

⁽¹⁾ OJ L 29, 31.1.2020, p. 7.

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decisions 2003/17/EC and 2005/834/EC

1. Annex I to Decision 2003/17/EC is amended in accordance with point 1 of the Annex to this Decision.
2. The Annex to Decision 2005/834/EC is amended in accordance with point 2 of the Annex to this Decision.

Article 2

Entry into force and date of application

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

Done at Brussels, 24 March 2021.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. P. ZACARIAS

ANNEX

1. In Annex I to Decision 2003/17/EC, the table is amended as follows:

(1) the following row is inserted between the rows 'CL' and 'IL':

'GB **	Department for Environment, Food & Rural Affairs (DEFRA) Eastbrook Shaftesbury Road Cambridge CB2 8DU	66/401/EEC 66/402/EEC 2002/54/EC 2002/57/EC
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** In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(2) in the footnote (*), the following is inserted between 'CL— Chile,' and 'IL — Israel,':

'GB — United Kingdom,.'

2. In the Annex to Decision 2005/834/EC, the table is amended as follows:

(1) the following row is inserted between the rows 'CS' and 'IL':

'GB **	Department for Environment, Food & Rural Affairs (DEFRA) Eastbrook Shaftesbury Road Cambridge CB2 8DU	66/401/EEC 66/402/EEC 2002/54/EC 2002/55/EC 2002/57/EC
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** In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.;

(2) in the footnote (*), the following is inserted between 'CS — Serbia and Montenegro,' and 'IL— Israel,':

'GB — United Kingdom,.'